



IN THE CIRCUIT COURT OF LEAKE COUNTY, MISSISSIPPI KEN ADCOCK
CIRCUIT CLERK

PEGGY MILLER

PLAINTIFF

vs.

CAUSE NO. 20-CV-191-LE-MD

WAL-MART STORES EAST, LP;
WALMART INC.; and JOHN DOES 1-10

DEFENDANTS

COMPLAINT
(JURY BY TRIAL REQUEST)

COMES NOW, the Plaintiff, Peggy Miller (hereinafter "Plaintiff"), by and through her attorney(s) of record, and hereby files this Complaint against Wal-Mart Stores East, LP; and Walmart Inc., and in support thereof states as follows:

I. PARTIES

1. The Plaintiff is an adult citizen of Leake County, Mississippi, and presently resides at 1203 Crowder Creek Road, Carthage, MS 39051.
2. The Defendant, Walmart Inc., is a Profit Corporation incorporated in the State of Delaware and doing business in the State of Mississippi, whose agent for service of process is CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.
3. The Defendant, Wal-Mart Stores East, LP, is a Profit Corporation incorporated in the State of Delaware and doing business in the State of Mississippi, whose agent for service of process is CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.
4. Defendants, John Does 1-10, are other Defendants whose names, whereabouts, and/or involvement are at this time unknown to the Plaintiff but who may be added at a later date. John Does 1-10 include the owners, operators, managers, and all other entities, corporate and/or individuals of the Defendants, Wal-Mart Stores East, LP; Walmart Inc., and/or other persons, entities, and/or corporations that were in some manner negligently and proximately

EXHIBIT A

responsible for the events and happenings alleged in this Complaint and for Plaintiff's injuries and damages.

II. JURISDICTION AND VENUE

5. This Court has jurisdiction of the parties and the subject matter of this action. Venue is proper as the civil action arises out of negligent acts and omissions committed in Leake County, Mississippi, and the cause of action occurred and accrued in Leake County, Mississippi.

III. FACTS

6. The Plaintiff adopts and herein incorporates by reference each and every allegation as set forth above.

7. At all times mentioned in this Complaint, the Defendants, Wal-Mart Stores East, LP, and Walmart Inc., managed, leased and/or owned and operated a retail store within the geographical boundaries of Carthage County, Mississippi, located at 905 MS-16, Carthage, MS 39051.

8. At all times mentioned in this Complaint, the Defendants, Wal-Mart Stores East, LP, and Walmart Inc., invited the general public, including the Plaintiff, to enter the retail store of the Defendants located at 905 MS-16, Carthage, MS 39051, for reasons mutually advantageous to both Defendants and Plaintiff.

9. On or about May 5, 2019, the Plaintiff was an invitee and lawfully on the premises of Defendants' retail store located at 905 MS-16, Carthage, MS 39051.

10. At the above-mentioned time and place, the Plaintiff was walking inside of Defendants' retail store when suddenly and without warning, she slipped and fell violently to the ground due to a grape on the floor.

11. Plaintiff suffered injuries including, but not limited to: her knee.

12. There were no warning signs warning of the grape on the floor.

13. Defendants as owner and operators of the retail store where the Plaintiff fell, owed a duty to the Plaintiff to keep the premises of the retail store in a reasonable safe condition, to warn the Plaintiff of any dangerous conditions not readily apparent of which it knew or should have known in the exercise of reasonable care, and to conduct reasonable inspection to discover dangerous conditions existing on the premises.

14. Defendants as owners and operators of the retail store where the Plaintiff fell, breached the duties owed to the Plaintiff by:

- (A) Failing to maintain the premises of the retail store in a reasonably safe condition;
- (B) Allowing a grape to be on the floor and to come into contact with and remain on the premises of the retail store when the Defendants knew or in the exercise of reasonable care should have known, that the hazard created an unreasonable risk of harm to Plaintiff and other invitees in the retail store;
- (C) Failing to warn the Plaintiff of the danger presented by the grape on the floor on the premises of the Defendants;
- (D) Failing to properly inspect the premises in order to discover hazardous conditions on the premises of the retail store;
- (E) Failing to otherwise exercise due care with respect to the matters alleged in this Complaint;
- (F) Failing to properly and adequately supervise business employees to oversee, inspect, maintain and/or monitor the premises to prevent hazardous conditions from remaining on the premises.

15. As a direct and proximate result of the negligence of the Defendants as set forth above, the Plaintiff fell while in the Defendants' retail store. Plaintiff's injuries were caused solely by the negligence of the Defendants, without any negligence on the part of the Plaintiff. Prior to the fall, Plaintiff, Peggy Miller, was not aware of the dangerous condition which existed at the time and at all times was exercising reasonable care for her own safety. Neither the fall, nor Plaintiff's injuries resulting therefrom, were in any way due to any negligence on Plaintiff's part, but were the sole, direct and proximate result of Defendants' negligence.

16. As a further direct and proximate result of the negligence of the Defendants, as set forth above, the Plaintiff, Peggy Miller, sustained serious injuries and damages including, but not limited to, physical injuries; past, present, and future pain and suffering; past, present, and future medical expenses; and other damages that will be proved at the trial of this matter.

IV. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, the Plaintiff, Peggy Miller, requests a trial by jury and demands damages including actual, compensatory, consequential, and incidental damages, for physical injuries; past, present, and future physical and emotional pain and suffering, past, present, and future medical expenses; and any other special damages that may be incurred by the Plaintiff, together with attorney fees, costs of suit and any further relief as the Court may deem proper.

RESPECTFULLY SUBMITTED, this the 7th day of August, 2020.

PEGGY MILLER, PLAINTIFF

BY:


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